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OCT 04 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): GLUKHOVSKY,  
Arkady et al. EXAMINER: Not yet Assigned

SERIAL NO.: 10/562,865 GROUP ART UNIT: Not yet Assigned

FILED: December 29, 2005 ATTORNEY DOCKET No.: P-5857-US

FOR: IMAGING SENSOR ARRAY AND DEVICE AND METHOD FOR USE  
THEREOF

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CRR 1.47(a) TO FILE APPLICATION ON BEHALF OF INVENTOR  
REFUSING TO SIGN**

Sir:

This Petition is being submitted to allow the above mentioned Application to be filed on behalf of an inventor unwilling to sign a Declaration, by the two co-inventors.

Applicants are submitting with this Petition a Declaration signed by the two co-inventors, the response to the Notice of Missing Parts (the Notice is attached hereto), a petition for a four-month extension of time to respond to the Notice, proof of the pertinent facts (in the attached Declaration of Rachel Bentov, and the Exhibits thereto), the fee as set forth in 37 CFR §1.17(g), and the last known address of Israel Mendel, the non-signing inventor.

The above-mentioned application names three co-inventors: Arkady Glukhovsky, Shmuel Gan, and Israel Mendel. Israel Mendel refuses to sign the Declaration. Arkady Glukhovsky and Shmuel Gan have signed the Declaration (attached) for themselves and on behalf of Israel Mendel, the non-signing inventor.

The last known address for Israel Mendel is:

29a Albert Shvaytzer St.  
Haifa 34995, Israel

10/11/2006 GFREY1 00000126 503355 10562865

03 FC:1463 200.00 DA

APPLICANT(S): GLUKHOVSKY, Arkady et al.  
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In response to the Notice to File Missing Parts of Application under 37 CFR 1.53(b), mailed April 4, 2006 (a copy of which is attached), Applicants submit herewith the following:

An executed Declaration and Power of Attorney making reference to the above-identified application, and in compliance with 37 C.F.R. 1.63, and a Petition to Accept the Signature of a Non-Signing Inventor, discussed above.

A response to the Notice was due June 4, 2006. Applicants hereby petition for a four-month extension of time. Therefore, a response is now due on October 4, 2006. Accordingly, this paper is being timely filed.

The Commissioner is hereby authorized to charge Deposit Account 50-3355 in the amount of \$1,749.00, covering the following:

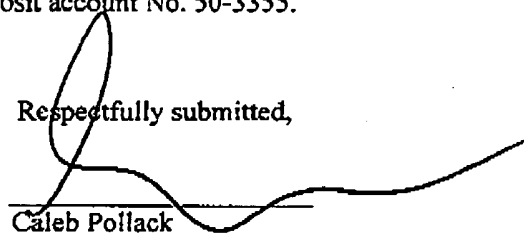
\$130 Surcharge Fee Under 37 CFR 1.16(f) or 1.492(e)

\$1590 Extension for reply within fourth month

Further, the Commissioner is authorized to charge the \$200.00 fee under 37 CFR §1.17(g) to deposit account No. 50-3355.

No other fees are believed to be due in connection with this petition. However, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,

  
Caleb Pollack  
Attorney for Patentee(s)  
Registration No. 37,912

Dated: October 4, 2005

Pearl Cohen Zedek Latzer, LLP  
1500 Broadway, 12th Floor  
New York, NY 10036  
(646) 878-0807 (phone)  
(646) 878-0801 (fax)

10/11/2006 GFREY1 00000126 503355 10562865

01 FC:1617 130.00 DA  
02 FC:1254 1590.00 DA

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**STATEMENT OF FACTS ACCOMPANYING PETITION TO FILE APPLICATION ON  
BEHALF OF INVENTOR REFUSING TO SIGN UNDER 37 CRR 1.47(a)**

I, the undersigned, Rachel Bentov, submit this declaration in support of a petition under 37 C.F.R. §1.47(a). The below is true and accurate to the best of my knowledge:

1. The Application described in the header above names as inventors Arkady Glukhovsky, Shmuel Gan, and Israel ("Yisrael") Mendel.

2. I am the Director of Intellectual Property for Given Imaging Ltd. ("Given"). I have been an employee of Given since April 2002. Given is the assignee of the above captioned application based on assignments signed by Arkady Glukhovsky and Shmuel Gan, under Israeli law, and according to the Given consulting agreement signed by the inventor Israel Mendel.

3. On September 12th, 2006 I sent Israel Mendel a copy of the Application as filed with a Declaration and Assignment to be signed, with a cover letter requesting Israel Mendel's signature, to his home by registered mail (receipt attached as Exhibit A).

4. On September 14th, 2006 Israel Mendel telephoned me and stated that he had received the letter and all the documents described in paragraph 3, above. He stated that he was reluctant to sign the documents because he felt slighted by Given. After some discussion, he said he would sign the documents and send them to me.

APPLICANT(S):  
SERIAL NO.:  
FILED:  
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GLUKHOVSKY, Arkady et al.  
10/562,865  
December 29, 2005

5. As of September 28th, 2006 I had not yet received the signed documents from Mr. Mendel. On this date I telephoned him at his cellular telephone, and again we discussed his reluctance to sign the documents. He requested that I send him a document showing his name listed as an inventor (in addition to the documents I sent him). He again promised to send me the signed documents. I provided him with another facsimile number (in addition to that in my first letter to him) to which to send the signed documents.

6. On September 28th, 2006 I sent an e-mail message to Mr. Mendel including as an attachment a copy of the published International Application on which the above captioned Application is based and including an Internet link to that published International Application, which listed Mr. Mendel and his co-inventors, as per his request. In this e-mail message I reminded Mr. Mendel of the facsimile number to which he should send the signed documents. This email is attached as Exhibit B.

7. As of September 30th, 2006 I had not yet received any documents from Mr. Mendel. I telephoned both his cellular telephone and his home telephone but he did not answer.

8. As of October 3rd, 2006 I had not yet received any documents from the Mr. Mendel. On this date I telephoned him, and he stated that he received my e-mail message, but that he was not going to sign the documents.

9. The last known address for Israel Mendel is:

29a Albert Shvaytzer St.  
Haifa 34995, Israel

I declare that the above is true and accurate to the best of my knowledge.

  
\_\_\_\_\_  
Rachel Benrov  
October 3, 2006



Caleb Pollack

Exhibit B

10/562,865  
[P-5857-05]

**From:** Rachel Ben-Tov [Rachel.Ben-Tov@givenimaging.com]  
**Sent:** Thursday, 28-September-2006 8:12 AM  
**To:** dintex@netvision.net.il  
**Subject:** Your patent application  
**Attachments:** WO2005004033 (5857).pdf

Shalom Yisrael,

Attached is the full copy of the patent application including the cover page with the inventors listed. You can also access this document through the following link:

<http://v3.espacenet.com/origdoc?>

[DB=EPODOC&IDX=EP1665116&F=0&RPN=WO2005004033&DOC=deb46d24db974e05c07731ebb36d14e48b](http://v3.espacenet.com/origdoc?DB=EPODOC&IDX=EP1665116&F=0&RPN=WO2005004033&DOC=deb46d24db974e05c07731ebb36d14e48b)

Please don't forget to fax me your signatures to fax No. 02-9997564.

Shana Tova

**Rachel Bentov**  
**Director of Intellectual Property**  
Given Imaging, Limited  
Yoqneam, Israel  
Tel: + (972) 4 909 7736  
Fax: + (972) 4 993 5360  
Cell: + (972) 52-3142224  
[www.givenimaging.com](http://www.givenimaging.com)

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